who sued to quiet title. The defendant claimed through the husband. By statute either spouse may sue the other to recover his or her separate property, and the accumulations of a wife are her separate property. *Held*, that the wife had gained title by adverse possession. *Union Oil Co.* v. *Stewart*, 110 Pac. 313 (Cal., Sup. Ct.).

Owing to the identity of interests and submersion of the wife's rights such a result would be entirely foreign to early common-law principles. Yet two jurisdictions hold that, the husband acquiescing, a wife may gain title by adverse possession without the aid of statutes. *Hartman* v. *Nettles*, 64 Miss. 495; *McPherson* v. *McPherson*, 75 Neb. 830. Others take the contrary view, since the land is jointly occupied and the husband remains the head of the family. *First National Bank of Santa Barbara* v. *Guerra*, 61 Cal. 109. But under a statute allowing the wife separate property, and a right to sue and be sued, she may recover from the husband for use and occupation of her land. *Skinner* v. *Skinner*, 38 Neb. 756. So title by adverse possession may be acquired where the parties are living apart under a void decree of divorce. *Warr* v. *Honeck*, 8 Utah 61. And without legislative enactment one state, at least, has relieved the wife of all marital disabilities on desertion by the husband. *Love* v. *Moynehan*, 16 Ill. 277. Such is the general rule when the husband abjures the realm. *Gregory* v. *Pierce*, 4 Met. (Mass.) 478. Since the basis of the rule as to disabilities disappears on abandonment by the husband, the principal case marks a justifiable step in the recognition of equal rights.

BANKRUPTCY — INVOLUNTARY PROCEEDINGS — WHEN DEBTOR MUST OWE $1000. — An insolvent debtor owing over $4000 made a general assignment, assented to by some of his creditors. The other creditors, whose claims aggregated less than $1000, filed a petition to have him adjudged a bankrupt. The Bankruptcy Act of 1898, § 46, provides that "any natural person except a wage earner or person engaged chiefly in farming . . . owing debts to the amount of one thousand dollars or over may be adjudged an involuntary bankrupt." *Held*, that the petition should be granted. *In re Jacobson*, 181 Fed. 870 (Dist. Ct., D. Mass.).

Courts have generally held that the time when one must be engaged in one of the excepted occupations, in order to be exempt, is the date of the creditors' petition. *In re Interstate Paving Co.*, 171 Fed. 604. Hence this should also be the time when $1000 must be owed, the two clauses in the same sentence offering no ground for distinction. Yet if courts adhered strictly to this requirement, the debtor would be enabled to settle with some creditors and leave the rest without remedy. In straining to avoid this result it has been held that voidable preferences are included among the creditors' debts at the time of the petition because they can be recovered by the trustee. *In re McMurtrey & Smith*, 142 Fed. 853. Yet such an assumption of the basis for bankruptcy is reasoning in a circle. Where a debtor, to avoid bankruptcy, goes into one of the exempt occupations, courts have made a judicial exception to the terms of the statute and refused him protection. *Tiffany* v. *La Plume Condensed Milk Co.*, 141 Fed. 444. See 23 HARV. L. REV. 393. Unfortunately there is equal necessity for judicial legislation in the case of preferences, and the principal case will undoubtedly be followed.

BANKRUPTCY — PROPERTY PASSING TO TRUSTEE — LIFE INSURANCE POLICIES. — A bankrupt had policies of insurance on his life payable to his executors, administrators, or assigns, on which the insurance company had a valid lien for a greater amount than their cash surrender value. The Bankruptcy Act, § 70 a (5), provides "that when any bankrupt shall have any insurance policy which has a cash surrender value payable to himself, his estate, or personal representatives, he may, within thirty days after the cash surrender value has

been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy." *Held*, that the policies do not pass to the trustee. *Burlingham* v. *Crouse*, 24 Am. B. Rep. 632 (C. C. A., Second Circ.).

Subject to the proviso above quoted, the interest of a bankrupt in a policy on his own life, payable to himself or his personal representatives, passes to his trustee. *In re White*, 174 Fed. 333. An exception, logically indefensible, is made where the policy has no present value. *Gould* v. *New York Life Ins. Co.*, 132 Fed. 927. The earlier cases regarded the proviso as defining what policies passed to the trustee, and held that policies having no surrender value did not pass. *In re Buelow*, 98 Fed. 86; *Morris* v. *Dodd*, 110 Ga. 606. But the weight of authority now rightly denies such scope to the proviso. *In re Slingluff*, 106 Fed. 154; *In re Welling*, 113 Fed. 189; *In re Orear*, 178 Fed. 632. The principal case would seem to be justified on the theory that Congress intended to secure to the bankrupt the benefit of his investment on his accounting for its surrender value to the estate, and that the existence of a valid lien to the amount of the surrender value excuses payment. It has been held that the failure to schedule policies pledged for more than their surrender value is not fraudulent concealment. *In re Adams*, 104 Fed. 72. The Supreme Court has construed the proviso liberally by allowing its benefits where no surrender value is contracted for but the company's practice is to pay cash on surrender. *Hiscock* v. *Mertens*, 205 U. S. 202.

CONFLICT OF LAWS — PERSONAL JURISDICTION — STATUTE AUTHORIZING SERVICE OUT OF JURISDICTION. — The English Matrimonial Act provides that the co-respondent in divorce proceedings must be made a defendant and that service on him out of the country is sufficient. The defendant co-respondent was served in Scotland and objected that the court had not jurisdiction. *Held*, that such service confers jurisdiction on the English courts. *Rayment* v. *Rayment and Stuart*, [1910] P. 271.

Since the power of Parliament is supreme it may obviously grant jurisdiction to the English courts, in any cases it chooses, and the courts must carry out its commands. *Drummond* v. *Drummond*, L. R. 2 Ch. 32; *Ashbury* v. *Ellis*, [1893] A. C. 339. Any form of notice which the statute authorizes is sufficient, and it is even provided that, in the court's discretion, no notice whatsoever is necessary. 20 & 21 VICT. c. 85, § 42. But a judgment obtained in such a manner would be given no effect in other jurisdictions. *Buchanan* v. *Rucker*, 9 East 192; *D'Arcy* v. *Ketchum*, 11 How. (U. S.) 165. In the United States it has been repeatedly held that the Fourteenth Amendment necessitates a service in the jurisdiction in all personal actions. *Pennoyer* v. *Neff*, 95 U. S. 714; *Eliot* v. *McCormick*, 144 Mass. 10. Furthermore, as the courts and the legislature in the United States are regarded as co-ordinate branches of government, the former may reject, as an interference with their rights, such efforts to confer a fictitious jurisdiction on them. Thus, even before the adoption of the Fourteenth Amendment, such statutes granting jurisdiction over non-residents were disregarded. *Beard* v. *Beard*, 21 Ind. 321. But see *Dearing* v. *Bank of Charleston*, 5 Ga. 497.

CONSTITUTIONAL LAW — PRIVILEGES AND IMMUNITIES: CLASS LEGISLATION — COUNTY ORDINANCE PROHIBITING FISHING BY NON-RESIDENTS. — A statute permitted any county to pass ordinances forbidding fishing by non-residents within its limits. A county passed such an ordinance, and the defendant, a citizen of the state but a resident of another county, fished there. *Held*, that the statute is unconstitutional. *State* v. *Hill*, 53 So. 411 (Miss.).

Since *Magna Charta* it has been generally conceded that the royal prerogative did not entitle the king to grant exclusive fishing rights in navigable rivers.